# FY 2024 Follow-up Federal Annual Monitoring Evaluation (FAME) Report

**State of Nevada**

**Department of Business & Industry**

**Division of Industrial Relations, Occupational Safety & Health Administration**

**(NVOSHA)**



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## **Executive Summary**

The purpose of this report is to assess the Nevada Occupational Safety and Health Administration’s (NVOSHA) progress in Fiscal Year (FY) 2024, in resolving outstanding findings from the previous FY 2023 Comprehensive Federal Annual Monitoring Evaluation (FAME) Report. NVOSHA’s achievement of the annual performance plan and five-year strategic goals is addressed in their FY 2024 State OSHA Annual Report (SOAR).

In FY 2024, NVOSHA made significant staff retention improvements where an average of 42 (or 95%) of the 44 total compliance safety and health officers (CSHO) positions were filled. This is largely in part to a change in workplace culture, which is now more encouraging of enforcement staff collaboration, opportunities for training, and flexible work schedules (i.e., 4 10- hour shifts, etc.). In addition, the 2023 Nevada legislature approved Assembly Bill 522, Worker Pay Bill, that provided for multiple pay alignment increases and length of service bonuses. While NVOSHA made progress in filling vacant positions, 14 out of 42 (or 33%) of CSHOs were on probationary status in training and possessed less than two years of enforcement experience. A progressive training section was in place and enhancements were made to meet program goals, through hands-on development of CSHOs using a variety of methods combined with supervisory involvement.

NVOSHA made progress to address the previous two findings and one observation from the FY 2023 Comprehensive FAME Report. One finding was completed and one finding and one observation were carried over to FY 2024. Corrective actions for the finding and observation will be a focus of next year’s on-site case file review during the FY 2025 comprehensive FAME.

## State Plan Background

The State of Nevada, under an agreement with the Occupational Safety and Health Administration (OSHA), operates an occupational safety and health program per Section 18 of the Occupational Safety and Health Act of 1970. Initial approval of the Nevada State Plan occurred on January 4, 1974, and final approval was established on April 18, 2000.

The Division of Industrial Relations (DIR) is the designated agency for administering the OSHA-funded enforcement program, under NVOSHA. Victoria Carreón was the State Plan Designee and Administrator of DIR during this review period. William Gardner was the Chief Administrative Officer (CAO) of NVOSHA. The consultation program was administered through Todd Schultz, CAO of the Nevada Safety Consultation and Training Section (SCATS). The program is headquartered in Las Vegas with an additional office located in Reno.

The NVOSHA enforcement program is funded under Section 23(g) of the Occupational Safety and Health Act. NVOSHA has jurisdiction and provides services to nearly 1.5 million workers in the State except for federal workers, the United States Postal Service (USPS), and workers on Tribal lands, military installations, and other areas of exclusive federal jurisdiction.

In FY 2024, the initial federal base award to fund the 23(g) program was $1,805,600. Nevada matched the federal funds and contributed an additional $6,267,226 in 100% state funds, bringing the total award to $9,878,426. Due to the fund reduction of all OSHA 23(g) programs, the federal base award was decreased by $65,000 in July. Nevada reduced the state required match accordingly, and added in $130,000 in 100% state funds, bringing the total award back up to $9,878,426. Nevada accepted $65,000 in one-time only funds and reduced $65,000 in 100% state funds, increasing the total award to $9,943,426. At the end, Nevada contributed an additional $577,171.04 in 100% state funds. Nevada reported final expenditures to be $10,520,597.04 ($1,805,600 federal, $1,805,600 state match, and $6,909,397.04 in 100% state funds). The next financial monitoring review will be in FY 2026.

State and local government consultation services and training were provided under the 23(g) grant. Private sector consultation was provided under the 21(d) Cooperative Agreement and performance results will be covered in the FY 2024 Regional Annual Consultation Evaluation Report (RACER).

NVOSHA continued enforcement efforts on two initiatives enacted in FY 2022. First, was regulation R044-20 on Workplace Violence at Medical Facilities. In FY 2024, NVOSHA received 1,695 reports of incidents involving workplace violence, which was an increase of 1,207 (or 247%) from the 488 that were reported in FY 2023. NVOSHA conducted a total of 60 inspections at medical facilities, with a total of 91 citations issued. The result was the removal of 10,161 employees from exposure to workplace violence hazards, and a total monetary penalty of $334,170.85.

The second, was the National Emphasis Program (NEP) - Outdoor and Indoor Heat-Related Hazards. In FY 2024, NVOSHA received 531 complaints alleging employee exposure to heat stress/illness hazards, which was an increase of 119 (or 29%) from the 412 that was reported in FY 2023. A total of 145 heat related inspections were conducted, an increase of 49 from the 96 reported in FY 2023. Additionally, NVOSHA developed a Nevada-specific heat illness prevention regulation, LCB File No. R131-24AP, that was adopted by DIR and filed with the Nevada Secretary of State. The regulation went into effect on November 20, 2024.

**New Issues**

There were no new issues identified during FY 2024.

## Assessment of State Plan Progress and Performance

### A. Data and Methodology

OSHA has established a two-year cycle for the FAME process. This is the follow-up year, and as such, OSHA did not perform an on-site case file review associated with a comprehensive FAME. This strategy allows the State Plan to focus on correcting deficiencies identified in the FY 2023 Comprehensive FAME Report. The analyses and conclusions described in this report are based on information obtained from a variety of monitoring sources, including:

* State Activity Mandated Measures (SAMM) Report (Appendix D dated 11/12/2024)
* State Information Report (SIR) dated 11/12/2024
* State OSHA Annual Report (SOAR)
* State Plan Annual Performance Plan (APP)
* State Plan 23(g) Grant Application
* Quarterly monitoring meetings between OSHA and the State Plan
* OSHA Information System (OIS)
* Whistleblower Application in the OSHA IT Support System (OITSS)
* State Plan Application

### B. Findings and Observations

**Findings (Status of Previous and New Items)**

The Nevada State Plan made progress to address the previous two findings and one observation from the FY 2023 Comprehensive FAME Report. As a result, one finding is completed, but one finding and one observation are continued and will be re-evaluated during the FY 2025 Comprehensive FAME. Appendix A describes the continued findings and recommendations. Appendix B describes observations subject to continued monitoring and the related federal monitoring plan. Appendix C describes the status of each FY 2023 finding and recommendation in detail.

**Completed Findings**

**Finding FY 2023-02:** In FY 2023, the total number of enforcement inspections, 884 (73.66%), was below the goal of 1,200 (SAMM 7).

**Status:** In FY 2024, NVOSHA conducted 1,285 total inspections, which exceeded its annual goal of 1,200. Of the 1,285 inspections, 416 were health and 831 were safety in the private sector and 38 inspections (15 health and 23 safety) conducted in state and local government workplaces. This finding is completed.

**Closed Findings**

There were no closed findings in FY 2024.

**Continued Findings**

**Finding FY 2024-01:** In FY 2024, the percentage of in-compliance inspections for safety was 47.47% and above the FRL of 26.27% to 39.40%.

**Status:** In FY 2023, the percentage of in-compliance inspections for both safety (39.63%) and health (55.69%) inspections was above the FRL of 25.38% to 38.08% and 35.06% to 52.58% respectively (SAMM 9). NVOSHA management analyzed the SAMM, SIR, and OIS Inspection Summary reports monthly. This included data pertaining to programmed and unprogrammed inspection statistics. The programmed inspection plan was revised and implemented on June 24, 2024, to ensure CSHOs were inspecting industries with high days away restricted or transferred (DART) rates based on the most recent Bureau of Labor Statistics (BLS) data. Hazard recognition training was conducted based on relevant topics to include construction standards. NVOSHA’s actions resulted in an in-compliance rate of 44.32% for health inspections, which is within the FRL (35.34% to 53.01%). However, the in-compliance rate of 47.78% for safety inspections is still above the FRL (26.27% to 39.40%). This finding, specifically the in-compliance rate for safety inspections, will continue to be a focus during the next review period and remains open.

**New Findings**

There were no new findings identified in FY 2024.

**Observations (Status of Previous and New Items)**

**Closed Observations**

There were no previous observations that were closed in FY 2024.

**Continued Observations**

**Observation FY 2024-OB-01:** In FY 2023, unprogrammed activity (UPA) and inspection case file letters, forms, and documents were missing, including, but not limited to, sensitive form/UPA summary, complaint response letters, valid reason for no inspection, and response letter for not sampling.

**Status:** NVOSHA held a meeting with district managers and supervisors on case file development to ensure all documentation that is included in OIS is included in the digital case file prior to closing. NVOSHA has requested the national office to provide the ability to use the OIS digital case file development tools available to OSHA. A case file review is necessary to gather the facts needed to evaluate progress on this finding. This finding will be a focus of next year’s on-site case file review during the FY 2025 comprehensive FAME and remains open.

### C. State Activity Mandated Measures (SAMM) Highlights

Each SAMM has an agreed upon FRL which can be either a single number, or a range of numbers above and below the national average. State Plan SAMM data that falls outside the FRL triggers a closer look at the underlying performance of the mandatory activity. Appendix D presents the State Plan’s FY 2024 SAMM Report and includes the FRLs for each measure.

The Nevada State Plan was outside the FRL for the following SAMMs and have not been previously addressed in this report:

**SAMM 5b – Average number of violations per inspection with violations by violation type (other)**

**Discussion of Nevada State Plan data and FRL:** The FRL for the average number of violations per inspection with other-than-serious violations was +/- 20% of the three-year national average of 0.94% which equals a range of 0.75% to 1.12%. NVOSHA averaged 1.18 for other-than-serious violations and was outside the FRL.

**Explanation:** NVOSHA has state-specific statues, regulations, and initiatives that can result in other-than-serious violations. This data shows that NVOSHA identified a greater number of other-than-serious hazards than the national average. This was not cause for concern. OSHA will continue to monitor this metric through the SAMM report.

**SAMM 6 – Percent of total Inspections in state and local government workplaces**

**Discussion of Nevada State Plan data and FRL:** The FRL for the percent of total inspections in state and local government workplaces (SAMM 6) is +/- 5% of 3.33%, which was negotiated by OSHA and the State Plan through the FY 2024 23(g) grant application. The range of acceptable data not requiring further review was between 3.17% to 3.50%. NVOSHA conducted 2.96% of its total inspections in state and local government workplaces and was slightly below the FRL.

**Explanation:** The State Plan fell outside of the FRL on this metric in part because they exceeded their total inspection goal, achieving 1,285 total inspections compared to the goal of 1,200. NVOSHA’s negotiated goal for SAMM 6 was 40 inspections (20 health and 20 safety) or 3.33% of the total 1,200 inspection goal. NVOSHA conducted 38 total inspections in state and local government workplaces, which represented 3.18% compared to the 1,200-inspection goal and was within the acceptable range of the FRL. Additionally, this was a 1.14% improvement from the FY 2023 rate of 2.04%. This result was not a cause for concern and OSHA will continue to monitor this metric during quarterly meetings.

**SAMM 8 – Average current serious penalty in private sector (1 to greater than 250 workers)**

**Discussion of Nevada State Plan data and FRL:** The FRL for the average current serious penalty in private sector with one to greater than 250 workers was +/-25% of the three-year national average of $3,793.81 which equals a range of $2,845.36 to $4,742.27. In Nevada, employers with one to greater than 250 workers were penalized at an average of $5,508.15 per serious violation, which was $765.88 above the upper end of the FRL.

**Explanation:** NVOSHA implemented Nevada Senate Bill 40, legislation paralleling the OSHA requirement for annual inflation adjustments to civil penalties, which resulted in an increase in average penalties during FY 2024. Individually, SAMM measures for the different size categories of employers were also slightly higher for the applicable FRL ranges. This result is not a cause for concern. OSHA will continue to monitor this metric through the SAMM report.

**SAMM 17 – Percent of enforcement presence**

**Discussion of Nevada State Plan data and FRL:** The FRL for percent of enforcement presence was +/- 25% of the three-year national average of 1.00% which equals a range of 0.75% to 1.25%. According to Appendix D, NVOSHA’s enforcement presence was 2.15% and above the FRL.

**Explanation:** The percent of enforcement presence describes the number of safety and health inspections conducted compared to the number of employer establishments in the state. NVOSHA dedicates resources to conduct inspections in lieu of investigations, increasing the data in this metric. This result was an increase of 0.59% compared to 1.56% in FY 2023 and represents how NVOSHA’s enforcement activity reached more employers than the national average.

### Appendix A – New and Continued Findings and Recommendations

FY 2024 Nevada Occupational Safety and Health Follow-up FAME Report

| **FY 2024-##** | **Finding** | **Recommendation** | **FY 2023-## or**  **FY 2023-OB-##** |
| --- | --- | --- | --- |
| FY 2024-01 | In FY 2024, the percentage of in-compliance inspections for safety was 47.47% and above the FRL of 26.27% to 39.40%. (SAMM 9a). | NVOSHA management staff should monitor and assess case files to determine why the in-compliance rate is outside the FRL. | FY 2023-01 |

### Appendix B – Observations Subject to Continued Monitoring

FY 2024 Nevada Occupational Safety and Health Follow-up FAME Report

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Observation #**  **FY 2024-OB-#** | **Observation#**  **FY 2021-OB-# *or* FY 2021-#** | **Observation** | **Federal Monitoring Plan** | **Current Status** |
| FY 2024-OB-01 | FY 2023-OB-01 | In FY 2023, unprogrammed activity (UPA) and inspection case file letters, forms, and documents were missing, including, but not limited to, sensitive form/UPA summary, complaint response letters, valid reason for no inspection, and response letter for not sampling. | NVOSHA should ensure the information recorded in OIS is also included in the digital case file prior to closing. | Continued |

### Appendix C - Status of FY 2023 Findings and Recommendations

FY 2024 Nevada Occupational Safety and Health Follow-up FAME Report

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **FY 2023-##** | **Finding** | **Recommendation** | **State Plan Corrective Action** | **Completion Date** | **Current Status**  **and Date** |
| FY 2023-01 | The percentage of in-compliance inspections for both safety 39.63% and health 55.69% inspections was above the FRL of 25.38% to 38.08% and 35.06% to 52.58% respectively (SAMM 9). | NVOSHA management staff should monitor and assess case files to determine why the in-compliance rate is outside the FRL. | 1. NVOSHA management analyzes the SAMM, SIR, and Inspection Summary reports monthly. This includes data pertaining to programmed and unprogrammed inspection statistics. These reports are then emailed to both the district managers monthly. 2. Additionally, an increased volume of programmed inspections are being assigned as a means to identify a greater number of hazards in industries with higher DART rates. 3. In FY 2023 there were 390 inspections. In the first 10 months of FY 2024, there have already been 571 programmed inspections. In addition, the percentage of programmed inspections is greater than the national average for both safety and health. 4. Furthermore, NVOSHA’s Programmed Inspection Plan was revised and implemented on 6/24/2024 to assure that CSHOs are inspecting industries with high DART rates based on the most recent BLS data. Hazard recognition training was conducted based on relevant topics to include construction standards on 6/24-6/28/2024 (6 CSHOs), excavations, trenching, soil mechanics on 4/15-4/19 (6 CSHOs) and machine guarding on 5/7-5/10/2024 (5 CSHOs) and 6/4-6/7/2024 (7 CSHOs). 5. The in-compliance rate for health inspections has been within range for the last 6 consecutive months (February – July). 6. The in-compliance rate for safety inspections is still high but has been decreasing for the last 8 consecutive months (December – July). | Not completed | Open  9/30/2024 |
| FY 2023-02 | The total number of enforcement inspections, 884 (73.66%), was below the goal of 1,200 (SAMM 7). | NVOSHA should implement work performance metrics for enforcement staff and supervisors. | 1. NVOSHA management analyzes the SAMM report monthly. These reports are then emailed to both the district managers, which includes the progress towards the negotiated SAMM measures. 2. Work Performance Standards for CSHOs specify the inspection goals for each experience level (e.g., Safety Associate / Industrial Hygienist 1, Safety Representative / Industrial Hygienist 2, and Safety Specialist / Industrial Hygienist 3). Supervisors manage workload to ensure the required number of inspections are performed by each CSHO. 3. The total number of enforcement inspections is currently on track to exceed the goal of 1,200 inspections by approximately 73 inspections.    1. As of 7/31/2024, NVOSHA has conducted 1,061 inspections since 10/1/2023, which is 88% of the annual goal. This equates to an average of 106 inspections per month.    2. As of 7/31/2024, health has accomplished 97% (349/360) of the annual goal, and safety has accomplished 85% (712/840) of the annual goal. | 9/30/2024 | Completed  9/30/2024 |

### Appendix D – FY 2024 State Activity Mandated Measures (SAMM) Report

FY 2024 NEVADA OSHA Follow-up FAME Report

| **SAMM Number** | **SAMM Name** | **State Plan Data** | **Further Review Level** | **Notes** |
| --- | --- | --- | --- | --- |
| **1a** | Average number of workdays to initiate complaint inspections (state formula) | 4.86 | 14 | The further review level is negotiated by OSHA and the State Plan. |
| **1b** | Average number of workdays to initiate complaint inspections (federal formula) | 2.51 | N/A | This measure is for informational purposes only and is not a mandated measure. |
| **2a** | Average number of workdays to initiate complaint investigations (state formula) | 3.84 | 5 | The further review level is negotiated by OSHA and the State Plan. |
| **2b** | Average number of workdays to initiate complaint investigations (federal formula) | 1.78 | N/A | This measure is for informational purposes only and is not a mandated measure. |
| **3** | Percent of complaints and referrals responded to within one workday (imminent danger) | 100% | 100% | The further review level is fixed for all State Plans. |
| **4** | Number of denials where entry not obtained | 0 | 0 | The further review level is fixed for all State Plans. |
| **5a** | Average number of violations per inspection with violations by violation type (SWRU) | 1.69 | +/- 20% of 1.74 | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 1.39 to 2.08 for SWRU. |
| **5b** | Average number of violations per inspection with violations by violation type (other) | 1.18 | +/- 20% of 0.94 | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 0.75 to 1.12 for OTS. |
| **6** | Percent of total inspections in state and local government workplaces | 2.96% | +/- 5% of  Grant 3.33% | The further review level is based on a number negotiated by OSHA and the State Plan through the grant application. The range of acceptable data not requiring further review is from 3.17% to 3.50%. |
| **7a** | Planned v. actual inspections (safety) | 854 | +/- 5% of  Grant 840 | The further review level is based on a number negotiated by OSHA and the State Plan through the grant application. The range of acceptable data not requiring further review is from 798 to 882 for safety. |
| **7b** | Planned v. actual inspections (health) | 431 | +/- 5% of  Grant 360 | The further review level is based on a number negotiated by OSHA and the State Plan through the grant application. The range of acceptable data not requiring further review is from 342 to 378 for health. |
| **8** | Average current serious penalty in private sector - total (1 to greater than 250 workers) | $5,508.15 | +/- 25% of  $3,793.81 | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from $2,845.36 to $4,742.27. |
| **8a** | Average current serious penalty in private sector  (1-25 workers) | $3,128.00 | +/- 25% of  $2,498.51 | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from $1,873.88 to $3,123.14. |
| **8b** | Average current serious penalty in private sector  (26-100 workers) | $5,453.20 | +/- 25% of  $4,322.61 | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from $3,241.96 to $5,403.26. |
| **8c** | Average current serious penalty in private sector  (101-250 workers) | $8,366.33 | +/- 25% of  $6,114.84 | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from $4,586.13 to $7,643.55. |
| **8d** | Average current serious penalty in private sector  (greater than 250 workers) | $7,636.02 | +/- 25% of  $7,533.58 | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from $5,650.19 to $9,416.98. |
| **9a** | Percent in compliance (safety) | 47.79% | +/- 20% of  32.83% | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 26.27% to 39.40% for safety. |
| **9b** | Percent in compliance (health) | 44.32% | +/- 20% of  44.18% | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 35.34% to 53.01% for health. |
| **10** | Percent of work-related fatalities responded to in one workday | 100% | 100% | The further review level is fixed for all State Plans. |
| **11a** | Average lapse time (safety) | 63.22 | +/- 20% of 56.02 | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 44.82 to 67.23 for safety. |
| **11b** | Average lapse time (health) | 64.44 | +/- 20% of 67.21 | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 53.77 to 80.65 for health. |
| **12** | Percent penalty retained | 68.75% | +/- 15% of  70.81% | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 60.19% to 81.44%. |
| **13** | Percent of initial inspections with worker walk-around representation or worker interview | 100% | 100% | The further review level is fixed for all State Plans. |
| **14** | Percent of 11(c) investigations completed within 90 days | N/A\* | N/A\* | This measure is not being reported for FY 2024 due to the transition to the new SAMM measures starting in FY 2025. |
| **15** | Percent of 11(c) complaints that are meritorious | N/A\* | N/A\* | This measure is not being reported for FY 2024 due to the transition to the new SAMM measures starting in FY 2025. |
| **16** | Average number of calendar days to complete an 11(c) investigation | N/A\* | N/A\* | This measure is not being reported for FY 2024 due to the transition to the new SAMM measures starting in FY 2025. |
| **17** | Percent of enforcement presence | 2.15% | +/- 25% of  1.00% | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 0.75% to 1.25%. |

NOTE: The national averages in this report are three-year rolling averages. Unless otherwise noted, the data contained in this Appendix D is pulled from the State Activity Mandated Measures (SAMM) Report in OIS and the State Plan WebIMIS report run on November 12, 2024, as part of OSHA’s official end-of-year data run.

\*Due to the transition of 11(c) data from IMIS to OIS, SAMMs 14, 15, and 16 are not being reported for FY 2024.